

G4 POLICY ON SAFEGUARDING AND PROTECTION OF MINORS AND VULNERABLE ADULTS FROM SEXUAL ABUSE

1.0 Development of the Policy and Terminology

1.1 Neither the Scriptures nor the Catholic Church nor the Society of the Divine Word condone any form of abuse, and in particular the sexual abuse of minors and vulnerable adults which is particularly abhorrent as it victimizes the most defenseless. In the Introduction of *Motu Proprio Vox Estis Lux Mundi (VELM)*, issued on 07 May 2019 and entered into force on 01 June 2019, Pope Francis wrote: “The crimes of sexual abuse offend Our Lord, cause physical, psychological and spiritual damage to the victims and harm the community of the faithful. In order that these phenomena, in all their forms, never happen again, a continuous and profound conversion of hearts is needed, attested by concrete and effective actions that involve everyone in the Church, so that personal sanctity and moral commitment can contribute to promoting the full credibility of the Gospel message and the effectiveness of the Church’s mission. [...] Even if so much has already been accomplished, we must continue to learn from the bitter lessons of the past, looking with hope towards the future.”

1.2 On 22nd July 2011, the Superior General, Fr. Antonio M. Pernia, SVD, sent out to all provincial superiors the Revised Policy on Sexual Abuse of Minors (G4.1.3) which was approved by the General Council on 14th June 2011. With the Circular Letter (P10/2011), that accompanied the Revised Policy, each province was asked to formulate its own policy on the sexual abuse of minors and submit it to the Generalate by December 2012.

1.2 The primary purpose of the policy was, and still is, to prevent abuse and to protect minors and vulnerable adults from abuse. All members of the Society have the obligation to prevent such abuse from happening, and to respond with compassion to any victim of abuse. In order to achieve these goals, they must be familiar with the policy. In fact, all members (either candidates or professed confreres), after having read the policy of their respective province, need to sign off on it. This means they are to commit themselves to ensuring that the policy would be fully followed and implemented and that all concerns or incidents would be appropriately addressed.

1.3 This policy is to serve as a set of general principles to guide each province in developing and updating its own policy, with corresponding protocols and procedures. It delineates essential components that each province’s policy needs to address, in its own cultural, ecclesial, and legal context.

1.3.1 Each province’s policy should take into account any duly approved policies of local conferences of bishops and/or conferences of religious.

1.3.2 Each province’s policy should be reviewed and updated periodically, and its copy sent to the Generalate.

1.3.3 This general policy will also be reviewed and updated in light of ongoing experience and evolving ecclesial policies.

1.3.4 Sub-zones or provinces within a single country may develop a common policy in place of individual province policies.

1.4 Definition of “minor”, “vulnerable adult” and “sexual abuse”.

1.4.1 The concept of “minor” has varied over the course of time. Prior to 30 April 2001, a minor was defined as a person under sixteen (16) years of age. After 30 April 2001, with the promulgation of the *Motu Proprio Sacramentorum Sanctitatis Tutela* (SST), the age was universally raised to eighteen (18) years, and this is the age currently in effect. These variations must be taken into account when determining whether the “minor” in question was in fact such, according to the legal definition in effect at the time of the facts. The use of the term “minor” does not reflect the distinction occasionally proposed by the psychological sciences between acts of “paedophilia” and those of “ephebophilia”, that is, involving post-pubescent adolescents. Their degree of sexual maturity does not affect the canonical definition of the delict (cf. *Vademecum*, 1, 3, 4, issued on 16 July 2020 by the Congregation for the Doctrine of the Faith [CDF]). Therefore, a minor can be defined as “any person under the age of eighteen, or who is considered by law to be the equivalent of a minor”, that is, a person who habitually has the imperfect use of reason (cf. *VELM*, art. 1, §2 a)).

1.4.2 A vulnerable adult is defined as “any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence” (cf. *VELM*, art. 1, §2, b)). This definition is very broad and, therefore, each case that falls under this category must be studied carefully and attentively.

1.4.3 According to the *Vademecum*, 1, the sexual abuse of a minor includes “every external offense against the sixth commandment of the Decalogue committed by a cleric with a minor”. Thus, the sexual abuse of a minor can be defined as any sexual exploitation of a person under the age of eighteen (18) for the sexual gratification of an adult. This includes:

a) direct contact sexual activities such as kissing, touching the genitals, masturbation and intercourse;

b) non-contact sexual activities such as exhibitionism, inducement to prostitution, conversations and/or propositions of a sexual nature, which can also occur through various means of communication and the production, acquisition, possession and distribution of child pornography (cf. can. 1395, §2; SST, art. 6, §1, 1° and 2°; *VELM*, art. 1, §1, a) ii., iii.; *Vademecum*, 2).

1.4.3.1 The latter three delicts, that is, the acquisition, possession and distribution of child pornography by a cleric, were introduced by SST (cf. art. 6, §1, 2°) and involved all minors under the age of 14. From 01 January 2020, these delicts involve all minors under the age of 18 (cf. Rescriptum on Amendments to “*Normae de Gravioribus Delictis*” of 03 December 2019).

a) From 01 June to 31 December 2019, the acquisition, possession, or distribution of pornographic material involving minors between 14 and 18 years of age by clerics

or by members of Institutes of Consecrated Life or Societies of Apostolic Life are delicts for which respective Dicasteries are competent (cf. *VELM*, arts. 1 and 7).

- b) From 01 January 2020, the CDF is competent for these three delicts if committed by clerics (cf. *Vademecum*, 6).
- c) It is important to note that these three delicts can be canonically addressed only if they occurred after 21 May 2010, that is, the date when *SST* took effect.

1.4.3.2 However, the production of pornography involving minors, on the other hand, falls under the definition of delict, listed in nos. 1-4 of the *Vademecum*, and, therefore, is also to be dealt with if it occurred prior to that date (cf. *Vademecum*, 7).

1.4.4 The aforementioned definition of the sexual abuse of minors also applies to cases of sexual abuse of vulnerable adults. Thus, the sexual abuse of a vulnerable adult is any sexual exploitation of a “person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence” (cf. *VELM*, art. 1, §2, b)).

1.4.4.1 It should be noted that cases of sexual abuse of vulnerable adults are handled by the competent Dicasteries and not by the CDF, which remains limited to cases of minors under eighteen (18) years of age and of those who “habitually have an imperfect use of reason” (cf. *VELM*, art. 7, §1).

1.4.5 *VELM* also introduced another offense against the sixth commandment of the Decalogue which consists of “forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts” (cf. *VELM*, art. 1, §1, a) i.) and can equally include both minors and vulnerable adults.

2.0 Prevention of Abuse

2.1 The best protection of minors from sexual abuse is to prevent abuse from happening in the first place. Pope Francis wrote: “This responsibility falls, above all, on the successors of the Apostles, [...] and all those who, in various ways, assume ministries in the Church, or profess the evangelical counsels, or are called to serve the Christian People. Therefore, it is good that procedures be universally adopted to prevent and combat these crimes that betray the trust of the faithful. I desire that this commitment be implemented in a fully ecclesial manner, so that it may express the communion that keeps us united, in mutual listening and open to the contributions of those who care deeply about this process of conversion (*VELM*, Introduction). The following principles should be integrated into province policies in order to help ensure that abuse does not happen.

2.2 Initial Formation

2.2.1 All candidates who desire to enter the Society should be thoroughly investigated and screened to reveal any indications of tendencies toward the potential sexual abuse of

minors. Psychological assessments, references from knowledgeable acquaintances, home parish or previous employers, and thorough interviews by vocation recruiters should be used to screen all potential candidates.

2.2.2 Formation programs must include adequate programs for developing a mature, integrated, and healthy celibate sexuality.

2.3 On-going Formation

2.3.1 Each province should have a clear policy and understanding of what is acceptable and unacceptable behavior towards minors and vulnerable adults in light of its own cultural context.

2.3.1.1 All members of the province must be educated about the policy so that they know what the appropriate boundaries are in their relationship with minors and vulnerable adults. Such education should be part of the cultural orientation for new missionaries to the province.

2.3.1.2 All members of the province should be engaged in on-going education about the dynamics, prevalence, identification, and prevention of sexual abuse of minors and vulnerable adults.

2.3.2 Each province's policy should include provisions indicating how to respond to a confrere who violates appropriate boundaries with minors and vulnerable adults.

2.3.3 Each province should utilize resources, workshops, and other on-going formation programs that help members develop and maintain healthy celibate sexuality in their lives.

2.4 The Society recognizes that the inappropriate or sexual attraction and behavior toward minors are an expression of serious emotional disturbance.

2.4.1 If a confrere is sexually attracted to minors, he is urgently encouraged to seek counsel with the local or provincial superior so that appropriate assistance may be provided.

2.4.2 If a member of the province notices that a confrere is sexually attracted to minors, he is obliged to inform the local or provincial superior about it.

2.4.3 Each member of the province must participate responsibly in the community life of his local SVD community in order to prevent a confrere from being in a situation in which his behavior is not adequately observed.

2.5 Confreres in leadership positions in institutions (parishes, schools, etc.) must ensure that minors and vulnerable adults are protected from abuse by employees or volunteers, by developing and implementing policies for the institution that safeguard minors and vulnerable adults and by properly screening all those who may have access to minors and vulnerable adults.

3.0 Accusation of a Possible Delict (*Notitia de Delicto*)

3.1 All confreres must be educated and know how to respond pastorally and compassionately to anyone presenting *notitia de delicto*, that is, an accusation of sexual abuse of minors or vulnerable adults.

3.1.1 The provincial administration has the overall responsibility for dealing with accusations of sexual abuse of minors and vulnerable adults perpetrated by a confrere.

3.1.2 Each province's policy should include a written protocol outlining the steps to be taken by the provincial superior in responding to allegations of abuse. Such a protocol should take into account the legal and ecclesial context of the province.

3.1.3 It is strongly recommended that the province establish a public, stable and easily accessible system for submission of reports (*notitiae de delicto*), even through the institution of a specific ecclesiastical office (cf. *VELM*, art. 2, §1).

3.1.3.1 In order to establish this system and make it effective, the province needs to prepare the competent and trained people.

3.1.3.2 Where the human and province's resources do not permit to do it individually, they can establish such a system together with other like entities.

3.2 What is meant by the term "*notitia de delicto*"?

3.2.1 A *notitia de delicto* (cf. can. 1717, §1; *SST*, art. 16; *VELM*, art. 3), occasionally called "*notitia criminis*", consists of any information about a possible delict of sexual abuse of minors or vulnerable adults that in any way comes to the attention of the provincial superior. It need not be a formal complaint.

3.2.2 This *notitia* can come from a variety of sources: 1) the alleged victim; 2) a third party (e.g., a parent, guardian, civil authority); 3) the public sphere (e.g., social media); 4. anonymous sources.

3.2.3 As a rule, the *notitia* should be

- a) made in writing, dated, signed by the complainant and duly notarized;
- b) as detailed as possible with regard to the identity of the accused, the nature of the acts, the time and place of the acts, and special circumstances surrounding acts (cf. *VELM*, art. 3, §4).

3.2.3.1 The *notitia* may be lodged orally, if circumstances so require. In these cases, the *notitia* should still be put down in writing by the provincial superior and duly notarized. If possible, it should then be reviewed and signed by the complainant.

3.2.4 In all cases, each and every *notitia* should be treated promptly and seriously and not be dismissed without a proper attention and assessment.

3.2.5 The *notitia* should be protected and treated in such a way as to guarantee its safety, integrity and confidentiality (cf. can. 471, 2°; *VELM*, art. 2, §2).

3.2.6 It must be pointed out that a *notitia de delicto*, received in confession, is placed under the strictest bond of the sacramental seal (cf. can. 983, §1; *SST*, art. 4, §1, 5°). A confessor who learns of a *notitia de delicto* during the celebration of the sacrament should seek to convince the penitent to make that information known by other means, in order to enable the appropriate authorities to take action.

3.2.7 Provisions on professionals' legal obligation to report a *notitia de delicto*, gained through pastoral counseling, vary from country to country. However, they must be observed. Many state and national governments require that such a *notitia* be reported to civil authorities by professional personnel, including pastors, directors of schools, teachers as well as other professional pastoral ministers.

3.2.8 Anyone presenting the *notitia de delicto* is to be treated with respect and compassion.

3.2.8.1 The provincial superior will offer to meet with the alleged victim, parents, or family. He will identify the proper people to meet with them and to offer whatever assistance is appropriate (cf. *VELM*, art. 5, §1; *Vademecum*, 55). In some cases, a lay person, with expertise in outreach to victims, may be a more appropriate person.

3.2.8.2 Prejudice, retaliation or discrimination as a consequence of having presented the *notitia* is prohibited (cf. *VELM*, art. 4, §2).

3.3 What actions should be taken upon receiving a *notitia de delicto*?

3.3.1 Following the receipt of a *notitia de delicto*, the provincial superior must make a determination as to whether or not the *notitia* has the semblance of truth (“*saltem verisimilis*”).

3.3.1.1 The provincial superior has the sole responsibility to determine the status of the *notitia* by considering, for example, the credibility of the accuser, the alleged facts and the circumstances surrounding them, the internal consistency of the report itself.

3.3.1.2 The provincial superior may use the expertise of others – most especially the provincial and/or diocesan Review Board – to reach such a determination. This initial evaluation, however, is not a finding for or against guilt of the accused. It seeks only to establish whether or not the *notitia* itself presents at least the semblance of truth.

3.3.2 If the provincial superior determines that the *notitia de delicto* manifestly lacks the semblance of truth, there is no need to pursue the *notitia* (cf. *Vademecum*, 16).

3.3.2.1 No action against the accused confrere is mandated.

3.3.2.2 The complainant and the accused confrere, if he had been made aware of the accusation, should be informed of the outcome.

3.3.2.3 The documentation, together with a written explanation, regarding the reasons for the decision, should be placed and kept in the provincial confidential archive (cf. can. 1719 and *Vademecum*, 16).

3.3.2.4 The provincial superior should confidentially inform the Superior General of the *notitia de delicto* and the decision made to forego the preliminary investigation due to the manifest lack of the semblance of truth.

3.3.2.5 It is advisable that, even in this case, the Superior General communicate to the CDF the *notitia de delicto* and the decision of the provincial superior to forego the preliminary investigation (*Vademecum*, 19).

3.3.3 If the provincial superior determines that the *notitia de delicto* has at least the semblance of truth, he should

- a) confidentially inform the Superior General of the *notitia*,
- b) confidentially inform the Ordinary of the place where the accused confrere resides, as well as the Ordinary of the place and the person responsible for the institution where the events are said to have occurred (cf. *VELM*, art. 2, §3),
- c) confidentially inform the attorney of the province,
- d) comply with all applicable civil laws with respect to reporting of *notitia* to civil authorities and cooperate with them in the investigation (cf. *VELM*, art. 19; *Vademecum*, 27, 48),
- e) put the accused confrere on administrative leave (cf. can. 1722; *SST*, art. 19; *Vademecum*, 58),
- f) conduct the preliminary investigation (cf. *Vademecum*, 16).

3.3.3.1 As for the civil reporting, it is advisable that the provincial superior report to the competent civil authorities even those cases in which he determined that the plausibility of *notitia* had proved unfounded and unsubstantiated according to ecclesiastical standards. The fact that no ecclesiastical process will go forward does not mean that the civil reporting is not required. In fact, the civil standard for reporting may be higher than what ecclesiastical law sets as a minimum for the canonical process to move forward. Consequently, the civil and canonical determinations should be made separate of one another and based on the particular legal provisions applicable to each legal system.

3.3.3.2 Even in cases where there is no explicit legal obligation to report the *notitia de delicto* that had proved founded and substantiated according to ecclesiastical standards, the ecclesiastical authorities should make a report to the competent civil authorities if this is considered necessary to protect the person involved or other minors from the danger of further criminal acts (cf. *Vademecum*, 17).

3.3.4 As for the delicts considered in this policy, it should be noted that the terms of prescription for the criminal action have varied significantly over time. The terms, currently in effect, are defined by *SST*, art. 7.

3.3.4.1 Since *SST*, art. 7, §1 permits the CDF to derogate from prescription in individual cases, the provincial superior, who has determined that the times for prescription have

elapsed, must still respond to the *notitia de delicto* and carry out the eventual preliminary investigation, communicating its results to the Superior General. The Superior General, through the office of the Procurator General, will forward the acts to the CDF, which is competent to decide whether prescription is to be retained or to grant a derogation from it. It is advisable that the Superior General express his personal opinion regarding an eventual derogation, basing it on concrete circumstances.

4.0 Preliminary Investigation

4.1 According to can. 1717, responsibility for the preliminary investigation belongs to the provincial superior who received the *notitia de delicto*, or to a suitable person selected by him. The eventual omission of this duty could constitute a delict subject to a canonical procedure in conformity with the CIC, the Motu Proprio *As a Loving Mother*, as well as *VELM*, art. 1, §1 (cf. *Vademecum*, 21; Circular Letter [P07/2016] of the Superior General, Fr. Heinz Kulüke, SVD).

4.1.1 Should the provincial superior encounter difficulties in initiating or carrying out the preliminary investigation, he should immediately inform the Superior General who, through the office of the Procurator General, will contact the CDF for advice or help in resolving any eventual questions (cf. *Vademecum*, 23).

4.2 The preliminary investigation should be carried out with respect for the civil laws of each state (cf. *VELM*, art. 19; *Vademecum*, 27).

4.2.1 The preliminary canonical investigation must be carried out independently of any corresponding investigation by the civil authorities.

4.2.1.1 In those cases where state legislation prohibits investigations parallel to its own, the ecclesiastical authorities should refrain from initiating the preliminary investigation and report the accusation to the CDF, including any useful documentation.

4.2.1.2 In cases where it seems appropriate to await the conclusion of the civil investigations in order to acquire their results, or for other reasons, the Superior General would do well to seek the advice of the CDF in this regard.

4.3 Purpose of the preliminary investigation: It is indicated in can. 1717, §1: “[the Ordinary] is carefully to inquire personally or through another suitable person about the facts, circumstances, and imputability, unless such an inquiry seems entirely superfluous.”

4.3.1 The preliminary investigation is not a trial or even a pre-trial hearing but an “administrative” act (cf. *Vademecum*, 33).

4.3.2 The preliminary investigation is meant:

- a) to gather data useful for a more detailed examination of the *notitia de delicto*;
- b) to determine the sufficient basis both in law and in fact so as to consider the accusation as having the semblance of truth (cf. *Vademecum*, 33, 34).

4.3.3 The acquisition of the results of civil investigation or of an entire civil trial could make the preliminary canonical investigation unnecessary (cf. *Vademecum*, 36).

4.3.4 The preliminary investigation could also prove unnecessary in the case of an indisputable crime, that is, if a confrere admits it (cf. *Vademecum*, 37).

4.4 Opening of the preliminary investigation: If the provincial superior determined that the *notitia de delicto* has at least the semblance of truth, he issues a decree opening the preliminary investigation (cf. can. 1719; *Vademecum*, 40).

4.4.1 The preliminary investigation is conducted either by the provincial superior or by another suitable person (cf. *Vademecum*, 21, 38).

4.4.1.1 The person, chosen by the provincial superior to conduct the preliminary investigation, should be appointed to the task by decree unless the appointment is contained within the decree opening the preliminary investigation. He/she should meet the provisions indicated in cann. 1428, §§1-2 and 1717, §3 (cf. *Vademecum*, 39, 40).

4.4.2 It is advisable that a priest notary be appointed (cf. can. 483, §2) for the purpose of ensuring the authenticity of the acts of the preliminary investigation (cf. *Vademecum*, 41).

4.4.2.1 However, the presence of the notary is not necessary for the validity of the acts of the preliminary investigation (cf. *Vademecum*, 42).

4.5 Complementary acts to be carried out during the preliminary investigation:

4.5.1 Care must be taken that the good name of the persons involved (the accused, alleged victims, witnesses) is not endangered from the preliminary investigation (cf. cann. 1717, §2 and 220; *VELM*, art. 4, §2 and art. 5, §2; *Vademecum*, 44).

4.5.1.1 Great caution should be exercised in public statements. They should

- a) avoid clamorous announcements,
- b) refrain completely from any premature judgment about the guilt or innocence of the person accused, and
- c) respect any desire for privacy expressed by the alleged victims (cf. *Vademecum*, 45).

4.5.2 The obligation of the provincial superior to inform the civil authorities of the reception of the *notitia de delicto* and the opening of the preliminary investigation would depend upon

- a) the laws of the state (cf. *VELM*, art. 19), and
- b) the desire of the alleged victim, provided that this is not contrary to civil legislation (cf. *Vademecum*, 48, 49, 50).

4.5.2.1 The assistance of the attorney of the province could be of great help in this regard.

4.5.3 An obligation of silence about the allegations cannot be imposed on the one reporting the matter, on a person who claims to have been harmed, or on witnesses.

4.5.3.1 Alleged victims should be encouraged to exercise their duties and rights vis-à-vis the state authorities, taking care to document that this encouragement took place and to avoid any form of dissuasion with regard to the alleged victim (cf. *Vademecum*, 48, 56).

4.5.4 If there seems to be the semblance of truth to the *notitia de delicto*, the provincial superior should notify the accused confrere and impose on him the precautionary measures in order to defend the good name of the persons involved and to protect the public good, as well as to avoid other factors (cf. can. 1722; SST, art. 19; *Vademecum*, 52, 53, 58).

4.5.4.1 The precautionary measures are imposed by a singular precept, legitimately made known to the accused confrere (cf. cann. 49ff. and 1319; *Vademecum*, 61-65).

4.5.4.2 Before an interview with the accused confrere in the preliminary investigation, the provincial superior cannot impose an oath on him (cf. can. 1728, §2; *Vademecum*, 54). The interview should be transcribed, dated and signed by the provincial superior and the accused confrere.

4.5.4.3 Since the preliminary investigation is only a prior phase to a possible penal process (administrative or judicial), it is not obligatory to name an official advocate for the accused confrere. However, if he considers it helpful, he can be assisted by a patron of his choice (cf. *Vademecum*, 54).

4.5.4.4 The accused confrere should be encouraged to meet with the attorney of the province so that he is informed about the civil and criminal ramifications of the *notitia*.

4.5.5 All acts of the preliminary investigation, that is, allegations, meetings, interviews, and reports (detailing the responses made) should be carefully documented.

4.6 Conclusion of the preliminary investigation:

4.6.1 For the sake of equity and justice, it is recommended that the duration of the preliminary investigation correspond to the purpose of the investigation. An unjustified delay in bringing the preliminary investigation to a timely conclusion may constitute an act of negligence on the part of ecclesiastical authority (cf. *Vademecum*, 66; also 4.1 of this Policy).

4.6.2 If the preliminary investigation has been conducted by a suitable person chosen and appointed by the provincial superior, he/she is to consign all the acts of the investigation, together with a personal evaluation of its results (cf. *Vademecum*, 67).

4.6.3 The provincial superior must decree the conclusion of the preliminary investigation (cf. can. 1719; *Vademecum*, 68).

4.6.4 Once the preliminary investigation is concluded, the provincial superior will present the complete documentation to his council. They must closely study it and carefully evaluate all aspects of the case as well as the results of the preliminary investigation. Their considered judgement together with some suggestions concerning canonical measures to

be imposed on the accused confrere are to be forwarded to the Superior General for a further decision and submission of the case to the Holy See.

4.6.5 Whatever the outcome of the preliminary investigation is, the provincial superior is obliged to send, without delay, the complete documentation of the case, authenticated by a notary, to the Superior General. Together with the documentation, he will also send

- a) the duly completed form – Tabular Summary for Cases of Delicta Reservata,
- b) his *votum*, that is, his own evaluation of the results of the preliminary investigation together with suggestions he may have on how to proceed further with the case (cf. *SST*, art. 16; *Vademecum*, 69).

4.6.6 The Superior General, through the office of the Procurator General, will forward the authentic copy of the complete documentation to the CDF. He will also enclose to the documentation his own *votum* (cf. *Vademecum*, 70).

4.6.6.1 The original of all the acts is to be kept in the secret archive of the Superior General (cf. can. 1719; *Vademecum*, 71).

4.6.7 If other elements related to the preliminary investigation or new accusations should emerge in the meantime, these are to be forwarded to the CDF as quickly as possible. If it appears useful to reopen the preliminary investigation on the basis of those elements, the CDF is to be informed immediately (cf. *Vademecum*, 75).

5.0 Care for Victims of Sexual Abuse of Minors and Vulnerable Adults

5.1 Ongoing outreach to a victim of sexual abuse is to be of the highest priority. The province concerned will deal with the victim and the victim's family pastorally, namely with understanding and compassion.

5.2 The degree of harm that the victim experiences as a result of sexual abuse depends upon various factors, including the nature of the act, the age of the victim and the victim's general environment. Sexual abuse may result in

- a) physical harm,
- b) mental harm – an impaired self-image, pervasive feelings of guilt, depression, inability to trust or to maintain friendships, symptoms of post-traumatic stress, flashbacks, addiction to alcohol or drugs.

5.3 The province will assist the victim in the healing process by providing professional psychological assistance to help them cope with the trauma of abuse and to undo, to the extent possible, all real and potential harm, resulting from the abuse.

5.4 Financial compensation, when required, is to be seen in the context of bringing healing to the victim of sexual abuse. Any such compensation will be determined in light of the cultural and legal context of each province.

6.0 Care for the Accused Confrere

6.1 With regard to the accused confrere, one must remember that justice plays an important role in the process of forgiveness. Imitating Christ, the provincial superior reaches out to the accused confrere, while clearly holding him accountable for his action. In order to be healed, the accused confrere must recognize the harm he has inflicted on the victim.

6.2 If there is no basis for the allegation, the provincial superior should take care to confine knowledge of the allegation as much as possible so as to protect the good name of the accused confrere. In addition, the provincial superior should determine if the accused confrere needs follow-up care as a result of the allegation and the process of investigation.

6.3 If there is a basis for the allegation, the provincial superior should investigate to determine whether there may be other victims and whether the accused confrere has other problems that must be addressed.

6.3.1 The provincial superior should develop short-term and long-term remedial recommendations for the individual concerned. These include, among other measures,

- a) professional psychiatric evaluation, psychiatric treatment and spiritual direction,
- b) based on all the data gathered from the evaluation and treatments, determination whether reassignment is appropriate and, if so, what kind of assignment, treatment, supervision and follow-up are indicated.

7.0 Action Taken by the CDF

7.1 Upon receipt of the acts of the preliminary investigation, ordinarily the CDF immediately sends an acknowledgment to the Superior General communicating the protocol number corresponding to the case (cf. *Vademecum*, 76).

7.2 After an attentive examination of the acts of the preliminary investigation, the CDF can choose to act in a variety of ways (cf. *Vademecum*, 77). It can

- a) archive the case;
- b) request a more thorough preliminary investigation;
- c) initiate a penal process;
- d) impose non-penal disciplinary measures, ordinarily by a penal precept (cf. *Vademecum*, 78);
- e) impose penal remedies or penances (cf. *Vademecum*, 83).

7.2.1 The decision, once made, is then communicated to the Superior General with suitable instructions for its execution (cf. *Vademecum*, 77).

7.3 Penal Processes: By law, three penal procedures are possible:

- a) an extrajudicial (administrative) penal process;
- b) a judicial penal process;
- c) the procedure introduced by SST, art. 21, §2, 2° (cf. *Vademecum*, 85).

7.3.1 The extrajudicial (administrative) penal process: It is a type of penal process that abbreviates the formalities called for in the judicial process (cf. can. 221; *Vademecum*, 91).

7.3.1.1 The extrajudicial (administrative) penal process can be carried out

- a) within the CDF;
- b) entrusted to a lower instance – the Superior General and/or the provincial superior of the accused confrere;
- c) entrusted to third parties charged with this task by the CDF (cf. *Vademecum*, 93).

7.3.1.2 The detailed procedure of the extrajudicial (administrative) penal process is described in *Vademecum*, 95-128.

7.3.2 The judicial penal process: For this process, the relative provisions of the law should be consulted, either in the Code or in *SST*, art. 8-15, 18-19, 21 §1, 22-31 (cf. *Vademecum*, 87).

7.3.2.1 The judicial penal process can be carried out

- a) within the CDF;
- b) entrusted to a lower tribunal (cf. *Vademecum*, 89).

7.3.2.2 The Tribunal established for the judicial penal process is always collegiate and is composed of a minimum of three judges (cf. *Vademecum*, 88).

7.3.3 The procedure introduced by *SST*, art. 21, §2, 2°: It is reserved for the gravest cases and concludes with a direct decision of the Supreme Pontiff. However, it requires that, even though the commission of the delict is manifestly evident, the accused confrere be guaranteed the right of self-defense (cf. *Vademecum*, 86).

7.4 Possible decisions in a penal process: The decision that concludes the penal process, whether extrajudicial (administrative) or judicial, can be of three types (cf. *Vademecum*, 84):

- a) *conviction* (“*constat*”), if with moral certainty the guilt of the accused confrere is established with regard to the delict ascribed to him. In this case, the decision must indicate specifically the type of canonical sanction imposed or declared;
- b) *acquittal* (“*constat de non*”), if with moral certainty the innocence of the accused confrere is established with regard to the delict ascribed to him;
- c) *dismissal* (“*non constat*”), whenever it has not been possible to attain moral certainty with regard to the guilt of the accused, due to lack of evidence or to insufficient or conflicting evidence that the offense was in fact committed, that the accused committed the offense, or that the delict was committed by a person who is not imputable.

7.4.1 The decision (issued by sentence or by decree) must refer to one of these three types, so that it is clear whether the decision is “*constat*”, “*constat de non*” or “*non constat*” (cf. *Vademecum*, 84).

8.0 Supervision of a Confrere Who Has Abused

8.1 A confrere who has abused must be assigned to live in one of our communities where he can be more closely supervised and where he can be away from any potential future victims.

8.2 Those charged with supervision of a confrere who has abused must be informed of what abuse has taken place and the factors involved, so that they may be aware of warning signs and take precautions.

8.3 The confrere who has abused and those charged with his supervision should have clear written guidelines as to what restrictions the confrere has, what work he will do, what his treatment or on-going therapy is.

8.4 The written restrictions concerning the confrere who has abused should be based on the type of abuse that has taken place and the assessment of risk the confrere poses to abuse again.

8.5 Care must be taken concerning the appropriateness of public ministry of any kind for a confrere who has abused. Normally, no public ministry will be undertaken, and the confrere will be assigned to an internal work of the SVD.

8.6 The provincial superior of the confrere who has abused is obliged to confidentially inform the provincial superior of the province that the confrere is to visit for vacation, home leave, studies, or any other temporary purpose, of his history of sexual abuse.

8.6.1 Before traveling to another province for any temporary purpose, the confrere who has abused should have a written plan with any restrictions noted. The receiving provincial superior and superior delegate must be in agreement with the plan before the confrere arrives in the province.

9.0 To Be Always Kept in Mind

9.1 From the time of the *notitia de delicto*, the accused has the right to present a petition to be dispensed from all the obligations connected with the clerical state, including celibacy, and, concurrently, from any religious vows. The Superior General and/or provincial superior must clearly inform him of this right (cf. *Vademecum*, 157).

9.1.1 Should the cleric decide to make use of this possibility, he must write a suitable petition, addressed to the Holy Father, introducing himself and briefly indicating the reasons for which he is seeking the dispensation. The petition must be clearly dated and signed by the petitioner.

9.1.2 The Superior General, through the office of the Procurator General, will transmit the petition, together with his *votum*, to the CDF.

9.2 For all singular administrative acts decreed or approved by the CDF, the possibility of recourse is provided by *SST*, art. 27 (cf. *Vademecum*, 158).

9.2.1 To be admitted, the recourse must clearly specify what is being sought (*petitum*) and contain the reasons in law (*in iure*) and in fact (*in facto*) on which it is based.

9.2.2 The one making recourse must always make use of an advocate, provided with a specific mandate.

9.3 Taking into account the 06 December 2019 Instruction on the Confidentiality of Legal Proceedings, the competent ecclesiastical authority should inform the alleged victim and the accused confrere, should they request it, in suitable ways about the individual phases of the proceeding, taking care not to reveal information covered by the pontifical secret or the secret of office, the divulging of which could cause harm to third parties.

9.4 The accused confrere cannot be officially transferred from one province to another while the ecclesiastical or civil process is going on.

9.5 Before a confrere who has abused is transferred to another province, his provincial superior is obliged to confidentially inform the provincial superior of the receiving province of his history of sexual abuse, so that vulnerable individuals, especially women and children, are protected from exploitation (cf. *Nuntius* XV, 2, p. 124).

9.6 If an accused confrere dies during the preliminary investigation, it will not be possible to open a subsequent penal process. The CDF should be informed about it (cf. *Vademecum*, 161).

9.7 No type of ecclesiastical penal process can be initiated if the *notitia de delicto* was brought against a confrere who is already deceased (cf. *Vademecum*, 160).

9.8 If the province, in response to the request made by the Superior General with his Circular Letter (P10/2011) on 22nd July 2011, has already formulated its own policy for dealing with cases of the sexual abuse of minors and vulnerable adults, this updated general policy on safeguarding and protection of minors and vulnerable adults from sexual abuse should be taken into account in revising the existing province's policy.